

EXHIBIT E

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

CASE NO.16-11027-TMD

**JOSHUA EUGENE MOORE
REBECCA LYNN KITZMILLER-MOORE
DEBTORS**

CHAPTER 13

**CHAPTER 13 TRUSTEE'S MOTION TO DISMISS
AND NOTICE OF OPPORTUNITY OF HEARING**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty-one (21) days from the date of service, no hearing will be held and the relief requested in the motion will be granted without a hearing being held. A timely response is necessary for a hearing to be held.

If you file a timely response, a hearing will be held on the motion on June 13, 2017 AT 1:00 PM AT U.S. BANKRUPTCY COURTROOM 1, 903 SAN JACINTO, THIRD FLOOR, AUSTIN, TX 78701.

Deborah B. Langehennig, the Chapter 13 Trustee in this case, states that the Debtors are in material default in the amount of **\$13,800.00** as of March 15, 2017 per the confirmed plan filed by the Debtors on November 8, 2016, and that the payments made by or for the Debtors have not been made as proposed. Please note that the default figure noted above may include the current month's plan payment.

A copy of the Trustee's Report dated March 15, 2017 is attached. This report discloses that the Debtors are in material default of the payments proposed by the Debtors' plan, all without demonstrated justification.

Wherefore, the Trustee moves that the subject case be dismissed and for such other further relief to which she may be entitled.

Respectfully submitted,

/s/ Deborah B. Langehennig

Deborah B. Langehennig
6201 Guadalupe Street
Austin, TX 78752

*Proposed order attached as exhibit

RECEIPT HISTORY

<u>Date</u>	<u>Description</u>	<u>Amount</u>
September 21, 2016	EPAY RECEIPT	\$4,000.00
November 8, 2016	EPAY RECEIPT	\$4,000.00
January 3, 2017	EPAY RECEIPT	\$6,900.00
January 17, 2017	EPAY RECEIPT	\$6,900.00
January 17, 2017	EPAY NSF	(\$6,900.00)
January 30, 2017	CASHIER'S CHECK FROM DEBTOR	\$6,900.00
Total Receipts:		\$21,800.00

PAYMENT SCHEDULE BREAKDOWN

16-11027-TMD

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Period	Date	Pmt Due	Pmt Rec	Pmt Total	Forgive Amount	Amount Due
1	10/2016	\$4,000.00	\$4,000.00	\$4,000.00		\$0.00
2	11/2016	\$4,000.00	\$4,000.00	\$8,000.00		\$0.00
3	12/2016	\$6,900.00		\$8,000.00		\$6,900.00
4	01/2017	\$6,900.00	\$13,800.00	\$21,800.00		\$0.00
5	02/2017	\$6,900.00		\$21,800.00		\$6,900.00
6	03/2017	\$6,900.00		\$21,800.00		\$13,800.00

Total Delinquent Amount: \$13,800.00

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IN RE:
JOSHUA EUGENE MOORE

CASE NO 16-11027-TMD

REBECCA LYNN KITZMILLER-MOORE

DEBTORS

Chapter 13

ORDER DISMISSING CHAPTER 13 CASE

Came on to be heard by the Court in the above-captioned and numbered bankruptcy proceeding the *Trustee's Motion to Dismiss* filed herein by Deborah B. Langehennig, Chapter 13 Trustee. The Court, having reviewed the allegations contained in the *Motion*, has determined that the *Motion* should be, and hereby is, GRANTED. It is therefore;

ORDERED, ADJUDGED AND DECREED that this Chapter 13 case be, and the same hereby is, **DISMISSED**. It is further:

ORDERED, ADJUDGED AND DECREED that the Trustee be discharged and relieved of her trust and of her sureties, and that the remaining balances of all debts due and owing creditors as of the date of this dismissal are not discharged or affected in any manner by this order.

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Prepared by:
Deborah B. Langehennig
6201 Guadalupe Street
Austin, TX 78752